



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

**April 27, 1973**

**The Honorable Alex W. Gabert  
County Attorney for Starr County  
Rio Grande City, Texas 78582**

**Letter Advisory No. 20  
Re: Dual Employment**

**Dear Mr. Gabert:**

In your letter requesting our opinion, you state that an individual was elected county commissioner in November, 1972. At the same time he was and is a member of the Independent School District's staff as a music instructor for elementary grades. You ask whether Attorney General Opinion H-6 (1973) applies to his salary and whether it overrules or invalidates Attorney General Opinion O-7491 (1946).

Attorney General Opinion H-6 (1973), which we believe applies to your situation, states:

"It is our opinion, therefore, that a teacher, instructor, or professor employed by a public institution of learning 'being of' the executive department within the meaning of Article 2, § 1 of the Constitution of Texas, may not at the same time validly hold the office of county commissioner except by qualifying under the language added to § 40 of Article 16 by the 1972 amendments . . ."

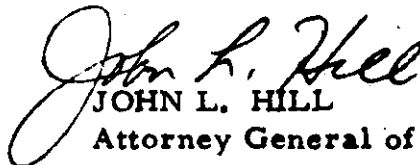
These amendments require that such individuals receive no salary from serving as members of the governing bodies enumerated. We concluded in that Opinion that a teacher could serve as a member of a county commissioners court but only if he renounced his salary as commissioner.

We found it unnecessary in that Opinion to state whether "teachers, instructors, and professors" were persons who occupied civil offices of emolument. It is unnecessary here, and, therefore we do not pass upon whether Opinion H-6 overrules or invalidates Opinion O-7491.

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In answer to your specific request, Opinion H-6 does apply to the salary of the person about whom you inquired and while he may serve both as county commissioner and as a teacher in the Independent School District, he may not receive salary for serving as commissioner.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee